



OKLAHOMA TRIBAL GAMING REGULATORS ASSOCIATION

RESOLUTION 01-12

**A RESOLUTION SUPPORTING THE TRIBAL ADVISORY COMMITTEE POSITION,
REPORT, AND RECOMMENDATIONS RELATING TO THE REVIEW OF THE
NATIONAL INDIAN GAMING COMMISSION REGULATIONS AND
THE POARCH CREEK PROPOSED REGULATIONS, INCLUDING PART 543,
MINIMUM INTERNAL CONTROL STANDARDS, AND
PART 547, TECHNICAL STANDARDS,
SUBMITTED TO THE NIGC ON FEBRUARY 14, 2012**

WHEREAS: The Oklahoma Tribal Gaming Regulators Association (OTGRA) is a non-profit corporation pursuant to the provision of the Miami Tribe of Oklahoma Non-Profit Act, formed December 5, 2006; and,

WHEREAS: The OTGRA was formed to promote and encourage the highest standard of ethics for tribal gaming regulators in Oklahoma; to facilitate communication through networking; to provide affordable training; to create a wider recognition of the importance of regulation in tribal gaming as it pertains to meeting Tribal, State and Federal regulation requirements specifically for the protection of the Oklahoma Tribal gaming industry; to promote and perpetuate the integrity of Oklahoma Tribal gaming; to conduct and promote activities that will enhance the growth and success of tribal gaming regulation for the economic benefit of tribal governments in Oklahoma, pursuant to Article II of the By-Laws of the OTGRA; and,

WHEREAS: *Article III* of the By-Laws of the OTGRA state at Section 1, Authority that, "The Board of Directors shall also serve as the Officers of this Association and will have the responsibility for taking action necessary to further the purposes and objectives of the Association"; and,

WHEREAS: *Article II, Section 2* provides "In furtherance of the purposes and goals, the OTGRA shall engage in all lawful activities necessary and proper to the furtherance of the proposed goals set forth herein; and,

WHEREAS: The OTGRA has followed the work of the Tribal Advisory Committee (TAC) in its review of the National Indian Gaming Commission (NIGC) regulations and the Poarch Creek proposed regulations, including Part 543 Minimum Internal Control Standards (MICS), and Part 547, Technical Standard, submitted by the TAC to the NIGC on February 14, 2012; and,

WHEREAS: Three (3) members from OTGRA member tribes (Matt Morgan, Chickasaw Nation; Mia Tahdooahnippah, Comanche Nation; and Robin Lash, Miami Nation) served on the TAC, appointed by the NIGC to provide advice on prospective improvements to those regulations in both form and syntax; and,

WHEREAS: The TAC met with the NIGC for four (4) face-to face meetings out of an original schedule to include six (6) face-to face meetings; and,

WHEREAS: During these meetings the TAC did complete a comprehensive review of Part 547, Class II Technical Standards, and did submit formal recommendations for Part 547, along with a January 12, 2012 letter urging the NIGC to move forward in promulgating 547 with the recommended changes; and,

WHEREAS: The NIGC unilaterally discontinued the face-to-face meetings with the TAC and did not participate in a fifth meeting set by the TAC in an attempt to complete its review of Part 543 Minimum Internal Control Standards (MICS); and,

WHEREAS: The NIGC submitted additional written inquiries to the TAC for the TAC's fifth meeting which was held on February 7, 8, and 9, 2012, and also imposed a deadline of February 14, 2012, for a final TAC report and recommendations, as a result, the TAC stopped its review of 543 to respond to the questions and prepare the final report and was unable to complete its review of Part 543; and,

WHEREAS: The TAC in full consensus recommended the Poarch Creek proposed revised regulations for both Part 547 and 543, and specific to the Part 543 MICS, the TAC in full consensus, supported the Poarch Creek proposal which removed the procedural language from the regulations and placed procedural language in guidance documents in recognition that Tribes, as primary regulators of Class II gaming, should have the ability to establish procedure and allow for modification in regulations as technology grows and expands; and,

WHEREAS: The OTGRA supports the work of the TAC in its complete review and recommendations for Part 547 Technical Standards, to include removal of both the arbitrary submittal date for grandfathering and the arbitrary time limit for use of grandfathered systems; removal of the costly and unnecessary underwriter lab certification for testing labs; removing the legally irrelevant requirements for entertaining displays; elimination of the restrictions on pay tables, and other technical improvements; and,

WHEREAS: These TAC recommendations advance tribal sovereignty and the position of the tribes as primary regulators of Class II gaming;

NOW THEREFORE BE IT RESOLVED that the OTGRA congratulates the members of the TAC and congratulate them on their hard work and exemplary service to Indian Country reflected in their recommendations concerning both Part 547 Technical Standards and consensus of support and recommendations concerning Part 543 MICS.

BE IT FURTHER RESOLVED that the OTGRA recognizes and applauds other tribal organizations such as the National Indian Gaming Association (NIGA), the National Tribal Gaming Commissioners/Regulators (NTGC/R), the Oklahoma Indian Gaming Association (OIGA), and the Arizona Indian Gaming Association, in their Resolutions of support of the TAC and the work of the TAC.

BE IT FINALLY RESOLVED that the OTGRA supports the TAC position, report and recommendation relating to the review of the NIGC regulations and the Poarch Creek Proposed Regulations, including the final recommendations for Part 547 Technical Standards submitted to the NIGC on January 12, 2012, and report and recommendations for both Part 543, MICS, and Part 547, Technical Standards, submitted to the NIGC on February 14, 2012.

CERTIFICATION

I hereby certify that the foregoing Resolution was passed via a poll of the OTGRA members at the Association's bi-monthly meeting held April 24, 2012 with a vote of 22 for, 0 against and 0 abstaining.



Brett Barnes, Chairman
Oklahoma Tribal Gaming Regulators Association



Traci Atkinson, Secretary
Oklahoma Tribal Gaming Regulators Association